

H-8304

1 Amend the amendment, H-8276, to House File 2643 as follows:

2 1. Page 13, after line 34 by inserting:

3 <DIVISION \_\_\_\_

4 PREEXISTING CONDITIONS

5 Sec. \_\_\_\_ . NEW SECTION. 514M.1 Short title.

6 This chapter shall be known and may be cited as "*The Protect*  
7 *Coverage for Preexisting Conditions Act*".

8 Sec. \_\_\_\_ . NEW SECTION. 514M.2 Definitions.

9 As used in this chapter, unless the context otherwise  
10 requires:

11 1. "*Commissioner*" means the commissioner of insurance.

12 2. "*Health benefit plan*" means any policy, contract,  
13 certificate, or agreement, including a short-term,  
14 limited-duration policy or a high deductible plan, offered or  
15 issued by a health carrier to provide, deliver, arrange for,  
16 pay for, or reimburse any of the costs of health care services.

17 3. "*Health care services*" means services for the diagnosis,  
18 prevention, treatment, cure, or relief of a health condition,  
19 illness, injury, or disease.

20 4. "*Health carrier*" means an entity subject to the  
21 insurance laws and regulations of this state, or subject  
22 to the jurisdiction of the commissioner, including an  
23 insurance company offering sickness and accident plans, a  
24 health maintenance organization, a nonprofit health service  
25 corporation, a plan established pursuant to chapter 509A for  
26 public employees, a plan offered or maintained by a multiple  
27 employer welfare association, or any other entity providing  
28 a plan of health insurance, health benefits, or health care  
29 services. Notwithstanding section 505.20, subsection 1, "*health*  
30 *carrier*" also includes a nonprofit agricultural organization  
31 domiciled in the state that sponsors a health benefit plan  
32 pursuant to section 505.20.

33 5. "*Preexisting condition exclusion*" means a limitation or  
34 exclusion of benefits, or a denial of coverage, relating to  
35 a condition based on the fact that the condition was present

1 before the date of enrollment for such coverage or the date  
2 of denial of coverage, whether or not any medical advice,  
3 diagnosis, care, or treatment was recommended or received for  
4 the condition before the date of enrollment or the date of  
5 denial of coverage.

6 Sec. \_\_\_\_ . NEW SECTION. **514M.3 Preexisting conditions.**

7 Notwithstanding any other provision of law to the contrary,  
8 a health carrier that offers an individual health benefit plan  
9 or a group health benefit plan in this state shall not do  
10 either of the following:

11 1. Deny coverage to any employer or to any individual that  
12 is eligible to apply for the individual health benefit plan or  
13 the group health benefit plan.

14 2. Impose any preexisting condition exclusion on an  
15 employer or on an individual with respect to the individual  
16 health benefit plan or the group health benefit plan.

17 Sec. \_\_\_\_ . NEW SECTION. **514M.4 Premium rates.**

18 1. *a.* Notwithstanding any other provision of law to the  
19 contrary, a health carrier that offers an individual health  
20 benefit plan or a group health benefit plan in this state shall  
21 develop premium rates for the individual health benefit plan  
22 or the group health benefit plan based only on the following  
23 factors:

24 (1) Age, except that the rate shall not vary by more than  
25 three-to-one for like individuals of different ages who are age  
26 twenty-one and older.

27 (2) Whether the health benefit plan covers an individual or  
28 family.

29 (3) Tobacco use, except that the rate shall not vary by more  
30 than one and one-half times the rate charged to a nontobacco  
31 user.

32 (4) Geographic rating area established in compliance with  
33 federal law.

34 *b.* Notwithstanding any other provision of law to the  
35 contrary, with respect to premium rates for family coverage

1 under an individual health benefit plan or a group health  
2 benefit plan offered in this state, a health carrier shall  
3 apply the factors permitted pursuant to paragraph "a" based on  
4 the premium that is attributable to each family member covered  
5 under the health benefit plan in accordance with rules adopted  
6 by the commissioner.

7 2. Notwithstanding any other provision of law to the  
8 contrary, a health carrier that offers an individual health  
9 benefit plan or a group health benefit plan in this state shall  
10 adjust the premium rates established pursuant to subsection 1  
11 no more frequently than annually and based only on the factors  
12 in subsection 1, paragraph "a", except that the health carrier  
13 may adjust the premium rates in the following circumstances:

14 a. With respect to a small group health plan, if there are  
15 changes in enrollment.

16 b. There is a change to the family composition of an  
17 individual enrolled in an individual health benefit plan or of  
18 an employee enrolled in a group health benefit plan.

19 c. There is a change in the geographic rating area or in  
20 tobacco use for an individual enrolled in an individual health  
21 benefit plan.

22 d. An individual enrolled in an individual health benefit  
23 plan requests changes to the health benefit plan or a small  
24 employer requests changes to a group health benefit plan.

25 e. A change in federal law or federal regulations requiring  
26 a premium rate adjustment.

27 Sec. \_\_\_\_ . NEW SECTION. 514M.5 Rules.

28 The commissioner shall adopt rules pursuant to chapter 17A  
29 as necessary to implement and administer this chapter.

30 Sec. \_\_\_\_ . NEW SECTION. 514M.6 Enforcement.

31 The commissioner shall take any action within the  
32 commissioner's authority to enforce compliance with this  
33 chapter.

34 Sec. \_\_\_\_ . APPLICABILITY. This division of this Act  
35 applies to health benefit plans that are delivered, issued

1 for delivery, continued, or renewed in this state on or after  
2 January 1, 2021.

3 DIVISION \_\_\_\_  
4 CHANGE EFFORTS PROHIBITED

5 Sec. \_\_\_\_ . NEW SECTION. 135.192 **Sexual orientation and**  
6 **gender identity change efforts — prohibitions — penalties.**

7 1. For the purposes of this section, unless the context  
8 otherwise requires:

9 a. *"Child"* means an individual who is under the age of 18.

10 b. *"Practitioner"* means a physician and surgeon or  
11 osteopathic physician and surgeon licensed under chapter 148  
12 who specializes in the practice of psychiatry; a psychologist  
13 licensed under chapter 154B; a licensed marital and family  
14 therapist or mental health counselor or a temporary licensed  
15 marital and family therapist or mental health counselor as  
16 defined in section 154D.1; a social worker licensed pursuant to  
17 chapter 154C; a licensed school counselor, school psychologist,  
18 or school social worker; an advanced registered nurse  
19 practitioner; a practitioner as defined in section 272.1; a  
20 victim counselor as defined in section 915.20A; a psychiatric  
21 nurse; any other person who provides counseling or mental  
22 health or behavioral health services as a part of the person's  
23 professional training or practice under Iowa law or rule; or  
24 any student, intern, volunteer, or other person assisting  
25 or acting under the direction or guidance of any of these  
26 professionals.

27 c. (1) *"Sexual orientation or gender identity change*  
28 *efforts"* means any practice or treatment by a practitioner  
29 that seeks to change an individual's sexual orientation or  
30 gender identity, including but not limited to efforts to change  
31 behaviors or gender expressions, or to eliminate or reduce  
32 sexual or romantic attractions or feelings toward individuals  
33 of the same gender.

34 (2) *"Sexual orientation or gender identity change efforts"*  
35 does not include any of the following practices, as long as the

1 practice does not seek to change sexual orientation or gender  
2 identity:

3 (a) Counseling or therapy that provides acceptance,  
4 support, and understanding of the individual or the  
5 facilitation of an individual's coping, social support,  
6 and identity exploration and development, including sexual  
7 orientation-neutral interventions to prevent or address  
8 unlawful conduct or unsafe sexual practices.

9 (b) Counseling for an individual seeking to transition from  
10 one gender to another.

11 2. A practitioner shall not engage in sexual orientation or  
12 gender identity change efforts with a child.

13 3. A practitioner who engages in sexual orientation or  
14 gender identity change efforts with a child shall be subject  
15 to disciplinary action by the licensing entity or disciplinary  
16 authority with professional jurisdiction over the practitioner.

17 Sec. \_\_\_\_ . SEXUAL ORIENTATION AND GENDER IDENTITY CHANGE  
18 EFFORTS — CHILD FOSTER CARE — MANDATORY REPORTERS — RULES.

19 1. For the purposes of this section:

20 a. (1) "Child" means, as applicable, either a person less  
21 than eighteen years of age or a person eighteen or nineteen  
22 years of age who meets any of the following conditions:

23 (a) Is in full-time attendance at an accredited school  
24 pursuing a course of study leading to a high school diploma.

25 (b) Is attending an instructional program leading to a high  
26 school equivalency diploma.

27 (c) Has been identified by the director of special education  
28 of the area education agency as a child requiring special  
29 education as defined in section 256B.2, subsection 1.

30 (2) A person over eighteen years of age who has received a  
31 high school diploma or a high school equivalency diploma is not  
32 a "child" within the definition in this paragraph "a".

33 b. "Mental injury" means the same as defined in section  
34 232.2.

35 c. "Sexual orientation or gender identity change efforts"

1 means the same as defined in section 135.192.

2 2. The department of human services shall adopt rules  
3 pursuant to chapter 17A relating to all of the following:

4 a. To prohibit, as a condition of licensure, an agency or  
5 individual licensed pursuant to chapter 237 to provide child  
6 foster care from participating in sexual orientation or gender  
7 identity change efforts with a child for whom the licensed  
8 agency or individual is providing child foster care.

9 b. To identify research-based instruction that supports  
10 lesbian, gay, bisexual, transgender, and questioning youth,  
11 including linguistic tools such as the correct use of pronouns  
12 and names, for incorporation into necessary training for  
13 department staff and for agencies or individuals licensed  
14 pursuant to chapter 237 to provide child foster care.

15 c. To provide guidance to a mandatory reporter, as  
16 enumerated in section 232.69, subsection 1, in associating  
17 sexual orientation or gender identity change efforts with a  
18 child with mental injury constituting child abuse pursuant to  
19 section 232.68, subsection 2.

20 DIVISION \_\_\_\_

21 STATE CONTRACTS — IOWA PREFERENCE

22 Sec. \_\_\_\_ . Section 8A.311, Code 2020, is amended by adding  
23 the following new subsection:

24 NEW SUBSECTION. 12A. If the lowest responsive bid received  
25 by the state for products or other purchases is from an  
26 out-of-state business, and an Iowa-based business submitted a  
27 bid which is within five percent or ten thousand dollars of  
28 the price of the lowest bid, whichever is less, the Iowa-based  
29 business which submitted the lowest responsive bid shall be  
30 notified and shall be allowed to match the lowest bid before  
31 a contract is awarded.

32 Sec. \_\_\_\_ . NEW SECTION. **8F.6 Preference.**

33 An oversight agency shall give preference in awarding a  
34 service contract to a recipient entity under this chapter to  
35 an Iowa-based business.

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DIVISION \_\_\_\_

PUBLIC RETIREMENT SYSTEMS GOALS

Sec. \_\_\_\_ . Section 97D.1, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 01. It is the intent of the general assembly to maintain strong and stable public retirement systems that allow employees to retire with dignity.

DIVISION \_\_\_\_

GROUNDWATER PROTECTION FUND

Sec. \_\_\_\_ . BULK TRANSPORT OF WATER. Of moneys available for use by the department of natural resources from the groundwater protection fund created in section 455E.11 for the fiscal year beginning July 1, 2020, and ending June 30, 2021, which are not allocated pursuant to that section, the department shall support the protection of the state's groundwater, including by providing for administration; the prevention of the groundwater extracted for bulk transport to another state for any purpose; regulation and programs; salaries, support, maintenance, and equipment; and miscellaneous purposes.

DIVISION \_\_\_\_

UNITED STATES CLIMATE ALLIANCE

Sec. \_\_\_\_ . NEW SECTION. **280.1 United States Climate Alliance.**

The governor shall take all necessary actions for the state to become a member of, participate in, and maintain membership in the United States climate alliance.

DIVISION \_\_\_\_

TELEHEALTH PARITY

Sec. \_\_\_\_ . Section 514C.34, subsection 1, Code 2020, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0a.* "Covered person" means the same as defined in section 514J.102.

NEW PARAGRAPH. *0c.* "Health carrier" means the same as defined in section 514J.102.

Sec. \_\_\_\_ . Section 514C.34, Code 2020, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 3A. A health carrier shall reimburse a  
3 health care professional for health care services provided to  
4 a covered person by telehealth on the same basis and at the  
5 same rate as the health carrier would apply to the same health  
6 care services provided to a covered person by the health care  
7 professional in person.

8 Sec. \_\_\_\_\_. APPLICABILITY. This division of this Act applies  
9 to health care services provided by a health care professional  
10 to a covered person by telehealth on or after January 1, 2021.

11 DIVISION \_\_\_\_\_

12 TAX CREDIT PROGRAM CAP

13 Sec. \_\_\_\_\_. NEW SECTION. 422.120 Tax credit programs —  
14 limitation.

15 1. Notwithstanding any other provision to the contrary,  
16 moneys awarded under a tax credit program shall not exceed the  
17 amount awarded during the fiscal year beginning July 1, 2019,  
18 and ending June 30, 2020, in subsequent fiscal years.

19 2. If necessary for the administration of a tax credit  
20 program, the tax credits may be awarded on a first-come,  
21 first-served basis until the maximum amount allowable under  
22 subsection 1 has been awarded.

23 3. This section does not apply to the tax programs subject  
24 to limitation in section 15.119 or to the earned income tax  
25 credit in section 422.12B.

26 DIVISION \_\_\_\_\_

27 CORONAVIRUS RELIEF FUND — MENTAL HEALTH AND DISABILITY  
28 SERVICES

29 Sec. \_\_\_\_\_. CORONAVIRUS RELIEF FUND — MENTAL HEALTH AND  
30 DISABILITY SERVICES. Of the funds received by the state from  
31 the federal coronavirus relief fund created pursuant to the  
32 federal Coronavirus Aid, Relief, and Economic Security Act,  
33 Pub. L. No. 116-136, \$25,000,000 shall be deposited in the  
34 mental health and disability regional services fund created  
35 in section 225C.7A. Moneys deposited in the mental health

1 and disability regional services fund under this section  
2 are appropriated to the department of human services for  
3 distribution to the mental health and disability services  
4 regions to fund mental health and disability services in  
5 accordance with section 225C.7A.

6 DIVISION \_\_\_\_

7 RESOURCE ENHANCEMENT AND PROTECTION

8 Sec. \_\_\_\_ . Section 455A.18, subsection 3, paragraph a, Code  
9 2020, is amended to read as follows:

10 a. For each fiscal year of the fiscal period beginning  
11 July 1, 1997, and ending June 30, ~~2021~~ 2031, there is  
12 appropriated from the general fund, to the Iowa resources  
13 enhancement and protection fund, the amount of twenty million  
14 dollars, to be used as provided in [this chapter](#). However,  
15 in any fiscal year of the fiscal period, if moneys from the  
16 lottery are appropriated by the state to the fund, the amount  
17 appropriated under [this subsection](#) shall be reduced by the  
18 amount appropriated from the lottery.

19 DIVISION \_\_\_\_

20 CORONAVIRUS RELIEF — ESSENTIAL EMPLOYEES

21 Sec. \_\_\_\_ . ESSENTIAL EMPLOYEES. Notwithstanding any  
22 provision of law to the contrary, for purposes of any moneys  
23 expended by the state from the federal coronavirus relief fund  
24 created pursuant to the federal Coronavirus Aid, Relief, and  
25 Economic Security Act, Pub. L. No. 116-136, persons employed  
26 for purposes of childcare shall be considered essential  
27 employees.

28 DIVISION \_\_\_\_

29 CORONAVIRUS RELIEF — SMALL BUSINESS GRANTS

30 Sec. \_\_\_\_ . SMALL BUSINESS GRANTS. Notwithstanding any  
31 provision of law to the contrary, for purposes of any moneys  
32 expended by the state from the federal coronavirus relief fund  
33 created pursuant to the federal Coronavirus Aid, Relief, and  
34 Economic Security Act, Pub. L. No. 116-136, for small business  
35 grants, nonprofit organizations are eligible to be awarded such

1 grants.

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DIVISION \_\_\_\_

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TESTING SHORTAGE

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Sec. \_\_\_\_ . TESTING SHORTAGE. In the event a shortage  
5 of tests for the novel coronavirus occurs in this state,  
6 healthcare workers, members of vulnerable populations, and  
7 those persons working with members of vulnerable populations  
8 shall be given first preference to receive a test.>

9

2. By renumbering as necessary.

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HALL of Woodbury